

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RICKEY L. VELEZ,

Plaintiff,

v.

JUDY SMITH, and
UNKNOWN OFFICER,

Defendants.

ORDER

10-cv-553-slc

Plaintiff Rickey Velez, a prisoner at the Oshkosh Correctional Institution in Oshkosh, Wisconsin, has submitted a proposed complaint. He asks for leave to proceed *in forma pauperis*. From plaintiff's trust fund account statement, it appears that plaintiff presently has no means with which to pay an initial partial payment of the \$350 fee for filing his complaint. However, plaintiff should be aware that he is obligated to pay the \$350 filing fee, even if this court determines that he will not be permitted to proceed with his complaint *in forma pauperis* and even if he does not presently have funds with which to pay the fee. 28 U.S.C. § 1915(b)(1). His account will be monitored and the fee must be taken in monthly installments when the funds exist.

Accordingly, IT IS ORDERED that plaintiff's complaint is taken under advisement. As soon as the court's calendar permits, plaintiff's complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiff will be notified promptly when such a decision has been made.

Further, the Clerk of Court is requested to insure that the court's financial records reflect that plaintiff Ricky Velez owes the \$350 fee for filing this case, in accordance with the requirements of the Prison Litigation Reform Act.

Entered this 30th day of September, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge